

1905-043 Chancery Cause: Lula May Postelwaite by & vs. Francis Haley
Lee Co.

Clark, Baldwin, Thomas, Grubb, Box, Moles

CA-Estate Dispute
T-Property
Migration

Will : 1895 : John M. Baldwin : Lee County

-Deed

To the Honorable H.A.W.Skeen, Judge of the Circuit Court
of Lee County, Virginia:

Humbly complaining, your Complainant, Lula May Postelwait,
an infant 18 years of age and married, who sues by E.M. Clark her
Attorney and next friend, would respectfully represent and show unto
your honor, that her Great-Grand Father, John Milton Baldwin, who departed
this life on the ___ day of ___ 18 ___, seized and possessed of a tract
of land, containing about 150 acres, more or less, situated in the County
of Lee near Rose hill, bounded by the lands of John D. Morgan and
others, and known as the "Milton Baldwin farm"; That said John M.
Baldwin before his death made and published his last will and testament
in which he devised said lands aforesaid to his children and heirs
at -law as follows: Mary A. Thomas, John R. Baldwin, Sarah J. Grubb, Harriet
H. Baldwin, Joseph Baldwin, Newton Baldwin, ^{Margaret Baldwin,} Clinton Baldwin, and William
Baldwin his Grand son, who was the Father of your Complainant, to the
aforesaid children and Grand-son equally, a copy of said will is here
filed marked exhibit "Will" and asked to be made and treated as part
of this bill. Your Complainant alleges that Margaret and Clinton Baldwin
died before their Father John M. Baldwin, and that Joseph Baldwin died
after his Father, and that they died without issue, and that your
Complainant and their other brothers and Sisters aforesaid were their
heirs at-law; ~~that~~ that your complainant's, Grand Father, William Baldwin
Sr. was a child of John M. Baldwin dec. and that he had long been dead
before said will was made by John M. Baldwin, and left as his only
child and heir at-law, your Complainant's Father, William Baldwin, referred
to in the will as the Grand-child of John M. Baldwin; that Mary A.
Thomas, John R. Baldwin, Sarah J. Grubb, and Harriet H. Baldwin, on the
20th day of March, 1858, sold their entire undivided interest in the
aforesaid "Milton Baldwin farm", to F.H. Bales, who took possession of
the whole of said farm, that Bales died about the year 1886, and said
lands were sold by the creditors of Bales in a Chancery suit in the
Circuit Court of Lee County, by C.T. Duncan, Commissioner, at which sale
John D. Morgan became the purchaser, who afterward sold the same to
one Sanders Spurlock, who sold to Francis Haley, ^{Q. V. A. Haley & V. A. Haley to} for the sum of ^{Francis Haley}
\$1500. who is now ~~part~~ owner and in possession of said land.

Your Complainant has not been informed as to whether or not
Newton Baldwin has ever sold to any one his interest in said lands.

Your Complainant alleges that soon after the late Civil war her Father William Baldwin mentioned in the aforesaid will, moved from Lee County, Virginia, to the State of Missouri, where he married, that on the __ day of __ 18__, he died, and a short time afterward his wife, your Complainants Mother, died, leaving your Complainant, Lula May Postelwait nee Baldwin, their only child and heir at-law.

Your Complainant alleges, that her said Father in his life time did not sell or convey to any one, his interest in the aforesaid described tract of land, which your Complainant alleges to be a one-sixth, by reason of the terms of said will, the death of Margaret, Clinton, and Joseph Baldwin, and the law of descent and heirship &c.

Your Complainant alleges that her said Father died seized and possessed of a one-sixth undivided interest in the aforesaid described tract of land, that, she as his only child and heir at law is, the right-ful and legal owner thereof, and that the same should be partitioned among the parties entitled thereto, and that her one-sixth interest should be laid off and assigned to her, in value considering quantity and quality, and that an account of the rents and profits should be taken, but that in the event it should be found to be impracticable to partition said land and your Complainant's part laid off to her, then in that event, your honor render a decree to sell your Complainant's interest ^{in said lands,} and pay over to her or her proper representative, the proceeds of said sale, deducting a reasonable sum for Attorney's fee, and legal costs.

Forasmuch as your Complainant is remediless in the premises, save by the aid of a court of equity, she prays that the said Francis Haley be made a party defendant to this bill and answer the same but not on oath that being waived; that a Commissioner be appointed to take an account of the rents and profits due her, from the use and occupancy of her interest in said land, from the time of her Father's death, (which was 15 years August, 1902) that Commissioners be appointed to partition the said lands, and that your Complainants' one-sixth interest be laid off and assigned to her, or if not practicable that her said undivided one-sixth interest be sold at public Auction to the highest bidder.

And your Complainant prays for all other relief generally that her case may require or to equity seem meet. And she will ever

Munssey Clerk 4.71
 Tax 1.50
 Shiff .50
 Depos. N.P. 3.65

Lula May. Postelwait by eta
 vs Billie Chaucery -

Francis Haley Deft.

1903. 2nd Feby rules Bill
 filed & pa executed & D.N.
 " 1st March rules held the
 last Monday in Feby
 D.N. Confirmed & Cause
 set for hearing.

Costs:
 Munssey Clk 4.71
 Morgan " .50
 Ewing " 3.08
 Shiff 1.00
 Dep. 7.65
 Estimated 5.00
 15.00
 Atty. \$36.94

\$300. Francis Haley.

Decree Final Sept.
 Term 1905.

To the honorable W. A. W. Skene Judge of the
Circuit Court of Lee County Virginia.
The answer of Francis A. Haley to a bill
filed in this honorable Court against her
by Lula May Pastelwait by her next friend,
E. M. Clark. For answer thereto or so much
thereof as she is advised it is necessary or
material for her to answer, answering she
says the plaintiffs bill is not sufficient in
law for her to be called upon to answer,
and of her said demurrer she prays for the
Judgment of the Court.

But should any other or further answer
be necessary answering she says. she does
not know whether it is true or not that
the said Lula May Pastelwait is the daughter
of Wm Baldwin who was the grand son of
John M Baldwin deceased, and mentioned in
the will of said decedent exhibited with
the bill, or that said Wm Baldwin is dead,
leaving said infant plaintiff his only heir,
and she calls for strict proof of all these
facts. Nor is she informed as to whether the
said Margaret, Clinton and Joseph Baldwin
are dead, and she calls for proof likewise
of all these facts intended to show that said
plaintiff has an interest in the land in the
bill mentioned. Your respondent ^{says} ~~supposes~~
it is true that C. L. Duncan as Commissioner

conveyed the tract of land in the bill mentioned
to John D. Morgan ^{on day of} ~~and~~ ¹⁸⁷⁸ ~~that~~ ^{October 5th 1898} he afterwards on
said and conveyed said tract to Egnell
Spurlock and said Spurlock ^{on Oct 6th 1898} ~~to~~ ^{said} your res-
-pent and her husband V. A. Haley, and she
alleges that each of said sales and conveyances
was of the entire tract, except a small
right of way reserved by said Morgan &
his vendee, and that each of said sales was
at a fair price for the entire tract, subject
to said reservation; and that each purchaser
immediately entered into possession of said
tract as thus sold to him, and that the pos-
-session of said entire tract has been held
by said purchasers, since the said sale by
said Duncan Commissioner, openly, notori-
-ously, continuously, and adversely, against
all other claimants, they claiming using and
occupying the same as their own; that the
purchase money for said tract, \$1500⁰⁰, was
paid by your respondent and her said husband,
as shown in their said deed. for same, and
they claim that the said plaintiff and her alleg-
-ed father were barred by the statute of limi-
-tation, before, or at the time of, the institution
of this suit, from recovering any interest in
said land. (A copy of said deed from C. T. Duncan
Clerk to John D. Morgan. and ^{of} the deed from said

Morgan to said Spurlock, and of the deed from
said Spurlock to V. A. Haley & H. A. Haley are
each herewith filed as part hereof, marked,
"A", "B", & "C" respectively. As will be seen by said
Exhibit "C", the conveyance was to your respond-
ent and V. A. Haley her husband, and not to her
alone, and the said V. A. Haley should be a party
to this suit. And your respondent denies the
right of the plaintiff to have a sale of said
lands, from the fact that if it should turn out,
in the opinion of the Court that she is entitled
to an interest therein, the same can be
laid off and assigned to her, without a sale.
And now having answered, your respondent
prays to be hence dismissed with her reasonable
costs.

On & Nail, for deft.

Lula May Pastanant by
-7c.
vs. { Sub. of Mrs. Haley
Francis Haley et al.
Filed in open court
and by leave thereof
Mar 11th 1903.

Lula May Postelwait By &c. Plaintiff,

Against) In Chancery,

Francis Haley, Defendant,

This cause came on this day to be heard upon the papers formerly read in the cause ,the report of M.G.Ely commissioner with Deed filed therewith,and was argued by counsel:

On consideration of which the said report, and deed filed, there with, is approved and confirmed, and the said Francis Haley is permitted to take from the files of the papers said deed for recordation, and nothing further remaining to be done the cause is stricken from the docket.

Lula May Postelwait
vs. E. Deere
Francis Haley

Entered in C. O. B. 8
p. 72.

Enter This

H. A. W. Skum

+

Sept. 20th 1905

Lula May Postalwait, By &c., Plff.
vs. (In Chancery.

Francis Haley, et al., Deft.

This cause came on this day to be heard upon the papers
formerly read in the cause and the report of sale of Commissioner,
M. G. Ely, filed July 29. 1904 and was argued by counsel.

On consideration of which said report of sale is approved
and confirmed and said commissioner, Ely, ^{will} ~~to~~ disburse the costs in
his hands to the parties entitled thereto and proceed to collect
the purchase money when the same becomes due, and when the said pur-
chase money is fully paid, he will execute to the purchaser, a deed
with covenants of special warranty and report to the court.
And the cause is continued.

Lula may Postward by etc
no. { Dec -

Francis Halley

Entered C.B. No.
7, page 506 &c

Enter this

H. W. Shuman

Sept. 20th 1904

Lula Hay, Postwaite by &c. Plaintiff,

Against) In Chancery.

Francis Hay, Defendant.

This cause came on this day to be heard upon the bill of Complainant, exhibits therewith the answer, and exhibits of the defendant and depositions of witnesses for the Complainant and was argued by counsel:

On consideration of which the Court is of opinion ^{that the Complainant,} has an undivided interest, of one-sixth in said tract of land owned by John M. Baldwin at the time of his death, and described in the said bill, and it appearing to the Court that it is impracticable to partition, and lay off the Complainant's interest in said land, ^{that} that the same should be sold, it is therefore decreed that H. S. Hay, who is appointed a commissioner for the purpose will sell the interest owned by the Complainant, Lula Hay Postwaite, which is one sixth, according to law at the Court house of Lee County, after advertising the same for 30 days by written or printed notices in the vicinity of said land and at the court house of Lee County, on a credit of one and two years, except cost of suit and commission on the sale, which will be paid in hand, and for the deferred payments he will take notes with good security, bearing interest from date, and said commissioner before acting under this decree will execute bond before the clerk of this court in the sum of \$300. with security conditioned according to law and report to court and the cause is continued.

Lula May Postelwait by
No. { { Decree -

Francis Haley

Enc. C.C.B. No. 7,

Page 467

x

Enter this

H. C. C. W. S. S. S.

May 19th
~~Feb. 18th~~ 1904
+

(5)

Lula May Pastalunait by vs. Plaintiff

against

Francis Haley ~~at vs.~~ Defendant

In Chancery

On motion of the defendant leave is granted her to file her demurrer and answer which is filed and the plaintiff replied thereto, ~~and it being suggested by counsel and agreed by the court in said answer that W. A. Haley the husband of the defendant is a necessary party to this suit. On motion of the plaintiff leave is granted him to file an amended bill making said W. A. Haley a party defendant to said bill, which amended bill was filed, and the cause is remanded to rules to be matured upon said amended bill.~~

~~done~~, On.

Lula May Pastatwait
- by v^c

v^c 30 Decree

Francis Haley

Enter Co. B. 7. P. 290

Enter this Decree.
H. A. W. S. M.

Nov 17th 1903.

In the Circuit Court of Lee County in the State of Virginia.

Lulu May Postelwait , by her next friend E. M. Clark, :
Plaintiff, :
vs. :
Frances Haley, Defendant. :

D E P O S I T I O N S .

The depositions of Lulu May Postelwait, Charles E. Postelwait and Robert Box, taken before me, L. S. Wilson, a Notary Public in and for the County of Pawnee, in the Territory of Oklahoma, pursuant to the notice hereto annexed at the office of E. M. Clark in the town of Pawnee on the 24th day of April, 1903, between the hours of 9 o'clock A. M. and 6 O'clock P. M. to be read as evidence on behalf of Lulu May Postelwait in a certain suit in equity pending in the Circuit Court in the County of Lee, State of Virginia, wherein Lulu May Postelwait by etc. is Plaintiff and Frances Haley is Defendant.

Lulu May Postelwait being by me first duly sworn in answer to interrogatories propounded by E. M. Clark her attorney, testifies as follows to-wit:

Question.-State your name, age and place of residence?

Answer.-My name is Lulu May Postelwait, I was eighteen years of age on the 27th day of January, 1903, and I reside in Pawnee County, Oklahoma Territory.

Q. Are you single or married?

A. Married.

Q. What is your husband's name?

A. Charles E. Postelwait.

Q. When were you married?

A. October the 28th, 1900.

Q. Have you any children?

A. I have one child, ^{only} a girl, named Verna Zell Postelwait, borned August 29, 1902.

Q. What was your name before you were married?

A. Lulu May Baldwin.

Q. How long have you resided in Pawnee County, Oklahoma Territory?

A. Four years.

Q. With whom did you reside before you were married?

A. Robert Box.

Q. How long have you resided with him immediately preceding your marriage.

A. Ever since I can remember.

Q. Did you ever know personally either your father or mother.

A. I have no recollection of either of them.

Q. Where did you come from to Pawnee County, Oklahoma Territory?

A. I came directly to Pawnee County from Mineral Springs, Barry County, State of Missouri.

Q. With whom did you come to Pawnee County?

A. With Robert Box and his family.

Q. Do you know of having lived any other place before living at Mineral Springs, Missouri?

A. No, sir, my understanding is that I was born there.

Q. Who have you always understood was your father?

A. William L. Baldwin.

Q. Have you ever known or understood of your having any brothers or sisters?

A. I never knew any and never heard or understood that I had any but one sister who died in infancy before I were born.

Lulu May Postelwait

Subscribed and sworn to before me this 24th day of April, 1903.

L. Wilson

Notary Public.

*My Commission expires
July 1, 1906*

Robert Box being also by me first duly sworn deposes and says:

Q. State your name, age, and place of residence.

A. My name is Robert Box, age is sixty years and my residence is Pawnee County, Oklahoma Territory.

Q. Are you acquainted with the witness who just left the witness stand and who gave her name as Lulu May Postelwait, if so, how long have you known her?

A. I am acquainted with her and have known her for over eighteen years.

Q. Has she resided in your family during any portion of that time and, if so, what time?

A. She has resided in my family since a few days before she was five months old up until the 28th day of October, 1900, when she was married.

Q. Were you acquainted personally with her father and her mother in their life time?

A. Yes, sir.

Q. When did you first become acquainted with her father?

A. In the Spring of 1883 her father moved to Mineral Springs, Barry County, Missouri, bringing with him his wife, and lived in said town when the said Lulu May Postelwait was born and where her mother died and by request of her mother she has resided in my family until her marriage.

Q. How long did you know her father after he moved to Mineral Springs in the Spring of 1883?

A. Until his death, he having died there within four years thereafter.

Q. Is the Plaintiff, so far as you know, his only living child?

A. Yes, sir.

Q. Did you ever learn from him where he came from?

A. Yes, sir, he came from Daid County, Missouri, to Mineral Springs, but he came from Putnam County, Indiana.

Q. What is the paper that I now hand you, identified by the Notary as Exhibit "A" and a copy thereof made a part of this question?

A. It is a marriage certificate given me by the father of Plaintiff herein and by him represented to me to be the marriage certificate

of himself and Plaintiff's mother.

Q. Did you know any one else who claimed to have been acquainted with Plaintiff's father while he lived in Putnam County, Indiana

A. Yes, sir, I knew Plaintiff's grandfather and two of her uncles on her mothers side, who all came with him from Indiana. The uncles still live in Mineral Springs, or did a short time ago. One of them, Ira A. Williams, is the present postmaster at Mineral Springs.

What is the paper I now hand you, which the Notary marks exhibit "B" and attaches a copy thereof as a part of this deposition?

A. It is a paper that was delivered to me at the time or rather a short time after the death of the Plaintiff's father by the Probate Judge of Barry County, Missouri.

Robert Bot

Robert Bot

Subscribed and sworn to before me this 24th day of April, 1903.

L. L. Wilson

Notary Public

*My Commission
exp. July 1, 1906*

C O P Y .

E X H I B I T "A".

Marriage Licence.

State of Indiana, to-wit: Putnam County, To all who shall see these Presents, Greeting:

Know Ye, that any person legally authorized to solemnize Matrimony, is hereby licensed to join in Marriage as Husband and Wife, William L. Baldwin and Phebe I. Williams and for so doing this shall be his sufficient authority.

IN TESTIMONY WHEREOF, I, Moses D. Bridges Clerk of the Putnam Circuit Court hereunto subscribe my name, and affix the seal of said Court, this 30th day of Sept. A. D. 1881.

M. D. Bridges, Clerk.

State of Indiana, Putnam County,

This Certifies, That I joined in marriage , as Husband & Wife, William L. Baldwin and I Williams, on the 30th day of Sep. A. D. 1881.

Alexander S. Mayhall, (Bapt. Minister)

C O P Y .

E X H I B I T " B " *With Deformation of Robt. Box*

This indenture made this 17th day of February, A. D. 1888, between J. B. Harris, Guardian, duly appointed, of the minor Lula May Baldwin of the age of 3 years on the 27 day of January, 1888, a daughter of W. L. Baldwin, dec'd, of the first part and Robert Box of the County of Barry and State of Missouri, party of the first part hath placed and bound and by these presents do place and bind his ward Lula May Baldwin as apprentice to the said Robert Box to learn the art of housekeeping with him the said Lula May Baldwin is to dwell and continue to serve as an apprentice aforesaid for and during the term of her minority or until 18 yrs of age during all of which time the said Lula May Baldwin her master shall faithfully serve in all such lawful business she shall be put to by her said master according to the best of her abilities and conduct herself honestly and orderly toward the family of Robert Box, and the said Robert Box covenants and agrees to and with the said J. B. Harris that he will teach and instruct the said Lula May Bassett or cause her to be taught or instructed in the best manner he can the art of housekeeping with all things belonging thereto: and that he will find and allow to the said apprentice meat, drink, washing, lodging, suitable apparel for working and holidays and all other things fit and convenient for an apprentice during the term aforesaid, and also will teach or cause the said Lula May Bladwin to be taught within such time to read and write, the ground rules of Arithmetic, the compound rule of three or what is called a common school education, and at the expiration of said term will give unto the said Lula May Baldwin a new Bible.

In Witness Whereof The said J. B. Harris as Guardian of said Lula May Baldwin and Robert Box have hereunto respectively set their hands and seals the day and year first above written.
Signed & Delivered in my presence, H. E. Morro. J. B. Harris, (Seal)
Guardian.

Robert Box, (Seal)

Approved by the probate Court this 18th day of Feby, 1888.

In witness whereof I have hereto set my hand & seal this day and year above written at Cassville, Mo.

H. E. Morro,
Judge of probate.

Articles of Apprentice.

Lula May Baldwin,

Minor,

By

J. B. Harris,

Guardian.

To

Robert Box.

Charles E. Postelwait being by me first duly sworn in answer to interrogatories deposes and says:

Q. State your ^{name} ~~name~~, age and Place of residence?

A. My name is Charles E. Postelwait, age 26 and I reside in Pawnee County, Oklahoma Territory.

Q. What relation to Lulu May Postelwait who has given her deposition herein?

A. I am her husband.

Q. Are the proceedings had herein done by and with your consent and approval?

A. They are.

Charles E. Postelwait

Subscribed and sworn to before me this 24th day of April, 1903.

L. S. Wilson

Notary Public.

*My Commission
expires July 1, 1906.*

Certificate.

Territory of Oklahoma, Pawnee County, SS.

I, L. S. Wilson, a Notary Public for the County aforesaid in said Territory do hereby certify that the foregoing depositions were duly and regularly taken, subscribed to and sworn to before me at the time and place therein mentioned.

Given under my hand and official seal this 24th day of April, 1903.

L. S. Wilson

Notary Public.

*My Commission
expires July 1, 1906*

Notary fees	
Sweating witnesses	30 c
900 words	1.35
4 certificates	1.00
Total	<u>2.65</u>

Paid

*L. S. Wilson
Notary Public*

Lula May Postelwait

vs } Depositions

Francis Haley

Received by mail in
good condition and
filed April 27th/1903,
A.B. Muncey Clerk

45.65-

X

To *Francis Haley.*

Take notice, that on the th *24* day of *April, 1903*, at the office of *E. M. Clarke*
, in the town of *Pawnee, Pawnee Co., Okla. Ter -*
o'clock a. m. and 6 o'clock p. m. of that day, I shall proceed to take the depositions of
Lula May Postelwait and others
to be read in evidence in my behalf in the suit in equity depending in the *Circuit* Court of
Lee County in which *Lula May Postelwait by ete -*
is _____ Plaintiff and
Francis Haley is _____

Defendant ; and if from any cause the taking of said depositions be not commenced on that day,
or if commenced, if they be not completed on that day, the taking of said depositions will be
adjourned and continued from time to time and place to place until they are completed.

4/7/1903.

Respectfully,

Lula May, Postelwait by ete
By counsel.

Lula May Postelwait
vs { notice to take up
Francis Haley

Legal services of the
within dated as
supplied.
April 7th 1907.
Francis Haley.
By Counsel.

CAPTION.

The Deposition of Harriet Moles taken before me, Francis A. Shaw, a notary public, within and for the County of Delaware, in the State of Indiana, at my law offices, in the Odd Fellows' Block, at the North East Corner of Jackson and Walnut Streets, in the City of Muncie, in said County of Delaware, in the said State of Indiana, on the 17 th day of August, 1903, to be read as evidence in the Circuit Court of Lee County, Virginia, in a certain suit in equity, wherein Lula May Postelwait, by &c is plaintiff and Francis Haley, is defendant, pursuant in all things to the notice hereto annexed, and to be read in behalf of the plaintiff.

That the defendant, was not present in person, nor by counsel and that said witness appeared in person and gave her testimony upon the examination of the notary as herein set forth.

Harriet Moles, being duly sworn to testify to the truth, the whole truth, and noting but the truth, testified as follows:

Examination by Francis A. Shaw, the Notary.

Q. State your name ?

A. Harriett Moles.

Q. Where do you reside ?

A. 604 East 9 th Street, Muncie, Delaware County, Indiana.

Q. How long have you resided in the City of Muncie, Indiana?

A. 11 years.

Q. Where did you reside before moving to Muncie ?

A. Carroll County, Indiana.

Q. What is your age ?

A. 67 years old.

Q. Are you married or single ?

A. Single.

Q. How many times have you been married if at all ?

A. Twice.

Q. What was your first husband's name ?

A. William Baldwin.

Q. When were you and William Baldwin married ?

A. **May 22, 1858**; about 12 or 13 years ago, *Shelby*

Q. Where were you married ?

A. We were married in Taswell, Tennennsee, which is in the county immediately joining Lee County, Virginia.

Q. What was your father-inlaw's name ?

A. Milton Baldwin.

Q. What was your maiden name ?

A. Harriett Grubb.

Q. After your marriage with Willian Baldwin, where did you reside?

A. On the farm with his father, Milton Baldwin, in Lee County Virginia.

140³
52
1880

Q. How many children, if any, were born to you and your first husband, William Baldwin ?

A. One.

Q. What was his name ?

A. William L. Baldwin.

Q. Where was William L. Baldwin, born ?

A. In Lee County, Virginia.

Q. State when, if at all, William L. Baldwin, your son, was married?

A. He was ^{married} ~~born~~ in Putnam County, Indiana, in 1880;

Q. Who did he marry ?

A. Bell Williams.

Q. You may state whether or not, if you know, any children were born to them ?

A. Yes Sir there were, two, one of which died in infancy and the other was Lulu May Baldwin, who afterwards, I am told married a man by the name of Postelweight and lives in Pawnee, Oklahoma.

Q. You may give the date and circumstances of your birth and childhood, marriage &c.?

A. I was born in With County, Va., April 8, 1836, and was raised in Lee County, Va. My father's farm and the Baldwin farm joined. The Grubbs farm and the Baldwin farm joined. Milton Baldwin was the father of my first husband, William Baldwin, and ~~my~~ William L. Baldwin was our son and he was the father of Lula May Baldwin, now Lula May Postelweight. I was a widow about four years and then I married Elihu H. Mole~~s~~, May 26, 1856, and then we moved to Kentucky.

Q. Is you second husband dead ?

A. Yes Sir, he has been dead about 13 years.

And further the witness sayeth not.

^{her}
Harriet X Moles
mark

Attest to Mark.

Francis A. Shaw

Gele Moles

CERTIFICATE.

State of Indiana,
County of Delaware.

SS

I, Francis A. Shaw, a Notary Public, within and for said county and state, do hereby certify that the above Harriet Moles, was by me first duly sworn according to law, to testify to the ~~the~~ truth, the whole truth, and nothing but the truth relating to said cause; that said deposition was reduced to writing by myself; that the defendant in said cause appeared neither in person nor by counsel; that said deposition was taken at the Law Offices of said Francis A. Shaw, at the time and place and for the purposes in said caption mentioned.

Given under my hand and official seal, this the 21 st day of August, 1903. I further certify that my commission as notary public expires on the 7 th day of July, 1904.

Francis A. Shaw

Notary Public.

Cost of Deposition \$12.00 by Plffs.

TO FRANCIS HALEY.

Take notice that on the 17th day of August, 1903, at the Law Offices of Francis A. Shaw, in the Odd Fellows Block, at the North East corner of Jackson and Walnut Streets, in the City of Muncie, in the County of Delaware, in the State of Indiana, between the hours of 9 o'clock A.M. and 6 o'clock P. M., of that day, I shall proceed to take the depositions of Harriet Moles, to be read in evidence in my behalf in the suit in equity depending in the Circuit Court of Lee County, in which Lula May Postelwait is plaintiff and Francis Haley is defendant; and if from any cause the taking of said deposition ~~is~~ be not commenced on that day, or if commenced, if they be not completed on that day, the taking of said depositions will be adjourned and continued from time to time and from place to place until they are completed.

Respectfully,

July, 27th, 1903.

Lula May Postelwait by etc.
By Counsel

Julia May Postelweit by the
vs. { Notice to take depositions
{
Francis Haley.

Legal service of the within
Notice is hereby accepted.
July 27th 1903.

Wm & Nell for
Defendant.

Lena May. Pritchard
by vs
vs
Francis Haley

Deposition of
Harriet Mader.

Received by mail in
good condition and
Filed Oct 26th 1903
A B Munsey Clerk

10-26

x

To the Honorable ^{bill} H.A.W. Skeen, Judge of the Circuit Court of Lee County Virginia:

Your undersigned Commissioner in the Chancery cause of Lula May Postelwait by &ct. against Francis Haley, pending in your honor's court begs to report, that he on the 23'day of July 1904, performed the duties required of him in the decree entered in said cause at the May term of your Court 1904, by selling the one-sixth interest of Lula May Postelwait in and to the tract of land described in said, as the John Milton Baldwin farm, said sale was made pursuant to the terms of said decree after having advertised the same for more than 30 days, at which sale Francis Haley became the purchaser at the price of \$300. she being the highest and best bidder at that price, said purchaser paid to your Commissioner the sum of \$75. costs and commissions, and executed her two notes for \$112.50 each bearing interest from date and due in one and two years respectively, with M.T. Hill and J.H. Hobbs as sureties.

Your Commissioner thinks that said interest in land sold for a good and fair price and that the sale should be confirmed.

Respectfully Submitted.

M. H. Ealy
Special Commissioner.

Lula May Postelwait by
us & the port of sale,
Francis Haley

Filed July 29th 1904
A. L. Fanning
Clerk.

(6)

I, John M. Baldwin of Lee County and State of Virginia do hereby make my last will and testament in manner and from as following, that is to say. 1st. I desire after the payment of my debts and funeral expenses I give to my wife Elizabeth Baldwin all my property both real and personal, during her natural life and at her decease the property both real and personal be equally divided amongst my several children and little grand-son William Baldwin, the son of William Baldwin deceased, that is to say to my son, John R. Baldwin, Mary Thomas, Sarah Grubb, Harriet Baldwin, Joseph Baldwin, Newton Baldwin, Clinton Baldwin, Margaret B. Baldwin and my little grand-son Wm. Baldwin unto them and their heirs forever.

2. My children that is married and left me, has had property to make them as near equal as possible except William, he has had Eighteen dollars the most.

3. I desire that if any more of my children should marry that my wife Elizabeth Baldwin would fit them out for house-keeping as near as possible like those that have married previous, but if her property will not admit of it they can arrange to make it equal in a final settlement.

4. I desire that if my wife Elixabeth be of opinion that my personal property will not be sufficient to pay all my just debts and enough left to live comfortably on, that she sell some ^{part} of my land to enable her to pay whatever bal. may be due and over.

5. I desire that my wife Elizabeth be her own executor, without being required to give any security, and that there be no appraisement made of my property.

6. Hereby revoking all former wills and testaments made by me. In witness whereof I have hereunto ^{set} ~~affixed~~ my hand and affixed my seal, this 2d day of March in the year 1855.

John M. Baldwin (Seal)

Signed, sealed published and declared
by John M. Ball as and fr his last will and
testament, in the presence and hearing of us,
who at his request and in his presence have
subscribed our names as witnesses.

Robert M. Bales.

Attest;

Presley C. Thompson.

Virginia,

At a Court of quarter session begun and held for Lee County, at
the Court-house therof on Monday the 19th day of November 1895.

The last will and testament of John Baldwin deceased, was further
proved by the oath of Presley C. Thompson, a witness thereto and ordered t
to be recorded.

A Copy Teste; B. M. Morgan-----Clerk.
(Will Book No. 2 page 88 &c)

Last Will of
John M. Baldwin

copy

(2)

Clerk Sects -

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THIS DEED made this the 6th day of Oct: 1898, by and between Sanders Spurlock and Sarah Spurlock his wife, parties of the first part and V. A. and Francis Haley party of the second part, all of Lee County Virginia;

Witnesseth, that for and in consideration of the sum of (\$1500) Fifteen hundred dollars in hand paid or secured to be paid by note, the parties of the first part has this day sold and by these presents doth grant, bargain, sell and convey unto the party of the second part, a certain tract of land lying and being in Lee County Virginia and known as the Fide Bales farm and bounded as follows to-wit; Bounded on the North by the lands of S. M. Beaty, Caleb Bales and John D. Morgan, and on the east by the land of Wm. Snavelly and on the south by the lands of Geo. W. Dillman and Levy Saylor and on the west by the lands of J. B. McLins heirs. Supposed to contain from 130 to 160 acres quantity not known the same not sold by the acre but by the boundary. The parties of the first part reserves a strip off the North end of said tract of land which adjoins John D. Morgan tract on the south side said strip of land is reserved for the purpose of giving John D. Morgan access to the public road on the waters which is near the dwelling house on said tract of land, the fence beginning at the branch a little east of the said Dwelling house and running in an eastwardly direction across the hill to the line dividing the lands of Wm. Snavelly and the said Bales Farm, this fence is to be the line dividing the lands of J. D. Morgan and V. A. S. Haley and Francis A. Haley.

To have and to hold the said parcel of land except the strip reserved unto the party of the second part and his and her heirs forever, and the parties of the first part will warrant the title to the foregoing parcel of land generally.

The parties of the first part also retain the vendors lien on said parcel of land until same is paid for in full. Witness the following signatures and seals. Sanders Spurlock (Seal)

her
Sarah x. Spurlock (Seal)
mark

Virginia, Lee County to-wit;

I, Chas. C. Bales a Notary Public for the County of Lee and the State of Virginia, do certify that Sanders Spurlock and Sarah Spurlock his wife whose names are signed to the writing hereto annexed, bearing date on the 6th day of October 1898, have acknowledged the same before me in my County and State aforesaid .

Given under my hand this the 6th day of October 1898.

Chas. C. Bales, Notary Public for Lee Co. Va.

Virginia, Lee County to-wit;

In the Office of the Clerk of the County Court for said County, the 6th day of April 1899. This deed was presented, and together with the certificate thereto annexed, admitted to record.

Teste; S. V. F. Richmond Clerk.

By M. D. Richmond D. C.

A Copy, Teste;-----Clerk.
(P. B. No. 35 page 156 &c)

Deed 2.

Sanders Spurlock

To 19 Dec

V. A. + Francis Haley

copy

6.

Chk 50 cts

+

Lula May Postlewait, by &c.Plaintiff.

vs. (In Chancery.


Francis Haley.Defendants.

The following facts are agreed in this cause.

1st. That the tract of land in the bill mentioned was sold by C. T. Duncan, commissioner, in the chancery cause of Thomas Edds, Adm'r. &c. vs. Wm. T. Morgan, Adm'r. et al. to John D. Morgan, on the _____ day of _____, 1888, which sale was confirmed by decree in said cause on the _____ day of _____, 1888, and said land conveyed by said commissioner by his deed, dated December 5, 1888, exhibited with defendants answer to said Morgan; and that said Morgan took possession of the entire tract immediately after his said purchase, and held possession until he sold said tract to Saunders Spurlock, as shown by his deed, "Exhibit B". October 5, 1898.

2nd. That said Spurlock took possession under his said deed, as of the date thereof, and held possession of said tract until he sold the same to V. A. & Francis Haley, October 6, 1898. (see deed "Exhibit C")

3rd. That said Francis Haley (V. A. Haley having conveyed his interest to her) took possession of said tract October 6, 1898, and has held possession thereof up to the present time.

Ors & Adm. for ~~Deeds~~
Wm. L. Ely for Off


Lula May Pastelinoil by
vs { agreed facts.
Francis Haley.

+

Land Sale.

Lula May Postelwait By etc.
Francis Haley vs. }

IN CHANCERY.

Pursuant to decree of the Circuit Court of Lee County, Virginia, at the May, term, 1904, in the above styled cause, the undersigned will, at public outcry, at the front door of the Courthouse of said county, on the ^{23rd} ~~first~~ day of the July term, 1904, of the ~~County Court of said county~~, proceed to sell, to the highest and best bidder, on a credit of one and two years time, except so much as may be necessary to pay the cost of suit and expense of sale [which are required to be paid in hand], the following described property: A one-sixth undivided interest in a tract of land containing 160 acres more or less, situated near Rose Hill, Va, and being what is known as the "Milton Baldwin" farm, being the interest of the Plaintiff in said tract and being the land on which V. A. Ed Francis Haley now live,

Bonds with good and approved personal security will be required of the purchaser for the deferred payments. This 20th day of June, 1904

M. G. Ely, Commissioner.

The Bond required by Law has been given.

J. B. T. Ewing, Clerk.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *Francis Haley*

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *3rd* Monday in *February* 190*3*,

to answer to a bill in chancery, exhibited against *her* in our said Court by
Lula May Postelwait, an infant who sues by
E. M. Delark, her next friend

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *7th* day of *February* 190*3* and in the
12 *7th* year of the Commonwealth.

A. B. Munsey Clerk

U.S.

SUBPOENA
IN
CHANCERY.

Francis Haley

M. G. Ely p. q.

To 2nd February Rules

Lee Circuit Court.

Executed Feb the
9th 1803 by delivering
a true copy of the
within Summons to
Francis Hall,
M^r. Molehens &c

(3)